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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 C. H. HILL,

7 Plaintiff,

8 v.

9 ELI LILLY AND COMPANY,

10 Defendant.

Case No. 3:20-cv-00250-MMD-WGC

ORDER

11 On April 23, 2020, Plaintiff C.H. Hill, then a prisoner in custody of the Nevada  
12 Department of Corrections ("NDOC"), attempted to sue Defendant Eli Lilly and Company.  
13 (ECF No. 1-1.) On August 21, 2020, the Court issued a screening order dismissing  
14 Plaintiff's proposed complaint with leave to amend. (ECF No. 4.) Plaintiff never filed an  
15 amended complaint, but the Court's screening order and a copy of Plaintiff's proposed  
16 complaint were returned as undeliverable with the notation 'deceased' written on them.  
17 (ECF No. 6.)

18 Pursuant to Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim  
19 is not extinguished, the court may order substitution of the proper party. A motion for  
20 substitution may be made by any party or by the decedent's successor or representative.  
21 If the motion is not made within 90 days after service of a statement noting the death, the  
22 action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). As such,  
23 if there is no motion for substitution filed within 90 days of the date of this order, the Court  
24 will dismiss this case.

25 DATED THIS 24<sup>th</sup> Day of May 2021.

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28 MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE